IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.14408 of 2004

Between:

P. Dayakar,

S/o Narsa Reddy,

Aged about 32 years,

Occupation: Advocate,
R/o 11-62, Teachers Colony,

Dasanpur, Adilabad District.

..... PETITIONER

AND

1 Government of A.P., rep by Prl. Secretary, General Admn.

Dept. Secretariat, Hyderabad.
2 The Chief Commissioner of Land Admin., (previously known

as Commissioner of Land Revenue) A.P., Hyderabad
3 The District Collector, Adilabad, Adilabad District
4 The Jt. Collector, (FAC), Adilabad
5 The Mandal Revenue Officer, Adilabad
6 M/s. Mathura Ginning and Pressing Factory, Adilabad,
rep. by Partner Sri Kanchan
Triambak Kathurwar, R/o Adilabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a) issue a Writ, order or Direction(s) essentially in the nature of Writ of Mandamus; b) call for the records pertaining to grant of land to the Respondent No.6 orders passed by the Respondent No.4 in Proceedings No. D1/317/89, dated 15-03-1989 and No.15/1682/88 dated 15-03-1989 and orders passed by the Respondent No.2 in Proceedings No. B (CW) 6/980/92 (old) Old Nos. BB4/1425/89 and BB4/1406/89, dated 09-08-1994 for perusal and direct the Respondents No.1,2,3,4 and 5 herein to resume the land granted to the Respondent No.6 Holding the action of the Respondent No.6 in committing breach of the terms of grant by selling valuable Government land to the third parties as illegal, bad, opposed to public policy, violative of rules.

Counsel for the Petitioner : Sri Satish Deshpande

Counsel for the Respondent Nos.1 to 5 : Govt. Pleader for Assignment

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

On 18-08-2004 we had called upon the petitioner to satisfy us as to the terms of the grant or patta, if any, on the basis of which assignment was alleged to have been made of the land in question in favour of sixth respondent and also about the bar, if any, for further alienation of such land. Till date, the petitioner has not filed any affidavit. Today, however, petitioner has handedover to us Sale Certificate dated 3rd

Teer, 1347 Fasli in urdu, along with translation thereof.

We have heard learned counsel for the petitioner and gone through the record. Petitioner states that respondent No.6 is not entitled to transfer or alienate the land, which was assigned to it for the purpose of running factory and other official respondents are not taking any steps to prevent such alienation. Petitioner is also alleged to have submitted a representation on 09-02-2004 to the District Collector, Adilabad.

We have been taken through various orders passed by the Commissioner of Land Revenue, Hyderabad,
Joint Collector, Adilabad, as also Mandal Revenue Officer, Adilabad. What can be seen from the record is that the part of land was already with Kanchan Triambak Kathurawar, partner of M/s Mathur Ginning and Pressing Factory, Adilabad; part of the Government land appears to have been allotted to the factory, some part of land was taken possession of by the factory unauthorisedly and considerable land was purchased by the factory leaving the patta land. After issuing of the show notice and considering the reply of respondent No.6, the Joint Collector (FAC), Adilabad, directed the Mandal Revenue Officer, Adilabad, to transfer Acs.4-20 guntas of land in Sy.No.1 of Buktapur village to M/s Mathura Ginning and Pressing Factory, Adilabad, being in possession and enjoyment of the said site. Since the sixth respondent had applied for transfer of the said land pursuant to the order of the Commissioner of Land Revenue, Hyderabad,
the Mandal Revenue Officer, Adilabad, in his proceedings dated 16-03-1995 recorded the fact that requisite cost of the land had been deposited thereby directing transfer of Acs.4-20 guntas of land in favour of the said factory. Petitioner has failed to produce any document on record to show that when the land was transferred and pursuant to the order of transfer, any condition was imposed prohibiting the factory

from transferring or alienating the land in future. Learned Government Pleader also states that as per the para-wise remarks received from the official respondents, there is no embargo on the sixth respondent in transferring or alienating the land in question. In the absence of such condition in the sale, hardly it is a case for interference in exercise of jurisdiction under Article 226 of the Constitution of India.

Writ Petition is accordingly dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J.

27-10-2004

bsc

To

1 The Prl. Secretary, General Admn.

Dept., Government of A.P., Secretariat, Hyderabad.
2 The Chief Commissioner of Land Admin., (previously known

as Commissioner of Land Revenue) A.P., Hyderabad
3 The District Collector, Adilabad, Adilabad District
4 The Jt. Collector, (FAC), Adilabad
5 The Mandal Revenue Officer, Adilabad
6. 2CCs to Govt. Pleader for Assignment, High Court buildings,

Hyderabad (OUT)

7. 2 C.D. copies

*Form-NIC-OGS/WP{**TRT**}*